

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

&

THE HONOURABLE MRS. JUSTICE K.HEMA

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C).No. 13555 of 2007(L)

PETITIONER:

JABEL KUMAR G.S., REJI BHAVAN,
WILLIMANGALAM, MANDROTHURUTH P.O.,
EAST KALLADA, KOLLAM.

BY ADV. SRI.SHEJI P.ABRAHAM

RESPONDENTS:

1. SUB INSPECTOR OF POLICE,
EAST KALLADA, KOLLAM.
2. CIRCLE INSPECTOR OF POLICE,
KUNDRA, KOLLAM.
3. SUPERINTENDENT OF POLICE,
KOLLAM.
4. DYSP OF CRIME DETATCHMENT,
KOLLAM.
5. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY GOVERNMENT PLEADER SRI. P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

P.R. RAMAN & K. HEMA, JJ.

W.P.(C).No.13555 of 2007 L

Dated this the 27th day of June, 2007.

JUDGMENT

Raman, J.

This is a writ petition alleging police harassment. Petitioner is the owner of a Maruti Car bearing registration No.KL 2 W 5092. The case of the petitioner is that, on 3.11.2006, first respondent, Sub Inspector of Police, East Kallada, Kollam came to his house and asked him to appear before police along with the Maruti Car. Petitioner, accordingly, appeared and the vehicle was returned to him on 7.11.2006. It is alleged that the S.I. of Police coercively obtained four signed blank papers from the petitioner. According to petitioner, he came to know that an accident occurred on 18.12.2006 involving a Kinetic Honda, bearing registration NO.KL 2 D 7562 and a motor cycle with three travellers at Kailas Junction, East Kallada in Kollam District. According to petitioner, his Maruti Car was not involved in the accident. On several occasions, the police had questioned him at different levels, initially at the level of S.I. of Police and subsequently by Dy. Superintendent of Police. In spite of the fact that petitioner appeared on all these occasions, it is alleged that, no case is registered against him, but still police is asking him to appear before them. He alleges political interference to implicate him wrongly in a crime. According to petitioner, the vehicle, which is actually involved in the accident, does not have a policy of insurance and that is the

motive behind impleading his Maruti car wrongly in the crime. The injured person is a Member of the District Panchayat.

2. Learned Government Pleader was asked to produce the C.D. File and the same was produced. It is true that petitioner had been summoned to appear before police for more than one occasion and he had been questioned and his statement was recorded. Petitioner denied his involvement in the accident. According to learned Government Pleader, the investigation is not yet complete and in the factual situation, it is necessary to question the petitioner once again. We find from Ext.P2 that the petitioner himself has approached the Sub Inspector of Police, East Kallada Police Station, Kollam. From Ext.P2, it is seen that petitioner has some grievance against S.I. of Police in connection with the investigation and asked higher authorities to look into the matter and take necessary action against the S.I. of Police. In this background, the 4th respondent, the DYSP, Crime Detachment, Kollam has asked the petitioner to appear before him. It cannot be said, in the facts and circumstances of the case, that summoning the petitioner for questioning in the light of the above background by 4th respondent, could be held to be harassment meted out to him. However, we direct that in case, the presence of the petitioner is required in connection with any investigation or enquiry, including in respect of the complaint made by him, a written notice be issued to the petitioner asking him to appear on a

specified date, whereupon the petitioner shall appear before the 4th respondent on the specified date. Petitioner is permitted to be accompanied by his counsel.

With the above observation, Writ Petition is closed.

P.R.RAMAN, JUDGE.

K. HEMA, JUDGE.

Krs.